

**Oregon Board of Forestry  
Riparian Rule Analysis Workshop  
Monday June 23, 2014  
8:30 AM - 5 PM  
Tillamook Room, Oregon Department of Forestry Campus, Salem, OR**

**Workshop Goal** - Assist the Board of Forestry (Board) in understanding available information regarding their rule analysis process for protecting cold water, including:

- Effects of contemporary forest practices on stream temperature and biota
- Scientific and policy underpinnings of the DEQ Protecting Cold Water criterion
- Legal and policy roles and decision space for water-quality protection
- Understanding the continuum of stakeholder perspectives
- Policy choices and potential outcomes

**Agenda**

**8:30 - 9:00 Purpose and Background of the Workshop**

Objective - Set purpose and expectations for the workshop, Board will understand the history and context of decisions on rule analysis.

Speakers:

- Tom Imeson, Board Chair; Peter Daugherty, Oregon Department of Forestry; Doug Zenn, Facilitator

**9:00 – 11:15 Topic 1 – Effects of contemporary forest practices on stream temperature and biota**

Objective – The Board will be able to summarize the findings of contemporary forest practices on stream temperature and biota and stream temperature effects on fish biology as portrayed in:

- Forestry Science on Temperature and Fish
- Watershed research cooperative results
- ODF RipStream results (all temperature findings)

9:00 – 10:00 Forest Practices Effect on Temperature, Presenters:

- Science Review on temperature results - Terry Frueh , Oregon Department of Forestry
- WRC Research results on temperature - Chris Surfleet, California Polytechnic State University
- RipStream findings (Numeric criteria, PCW, temperature change magnitude, downstream, predictive temperature model) - Jeremy Groom, Oregon Department of Forestry

**10:00 10:15 Break**

10:15-11:15 Temperature and Fish biology, Presenters:

- Science Review on temperature and fish (high level), including how WRC Research results inform this science - Jason Dunham, United States Geological Survey; Doug Bateman, Oregon State University
- Condition and Trends in Salmon Habitat in western Oregon - Kim Jones, Oregon Department of Fish and Wildlife

**11:15 - 12:15 Topic 2 – Scientific and policy underpinnings of the Protecting Cold Water (PCW) criterion of Oregon’s Water Quality Temperature Standards**

Objective – The Board will understand the basic underpinnings of the PCW criterion:

- The biological basis/protection of natural thermal regimes
- Policy regarding risk of warming waters of the state – importance to maintaining diversity of temperature
- Acceptable range of spatial/temporal/magnitude temperature changes
- Spatial extent of PCW protections
- Recent legal review of temperature standards
- Relation to Clean Water Act and position of relevant Federal agencies
- Role of federal agencies, Environmental Protection Agency (EPA) and National Oceanic and Atmospheric Administration (NOAA) in reviewing and approving water quality standards

Presenters:

- Josh Seeds and Gene Foster, Oregon Department of Environmental Quality
- Dave Jepson, Oregon Department of Fish and Wildlife
- Dr. Kim Kratz and Jeff Lockwood, NOAA Fisheries
- Dan Opalski and John Palmer, EPA

**12:15 – 1:15 Lunch**

**1:15 – 2:15 Topic 3 - Legal and policy roles and decision space for water-quality protection**

Objective –The Board will understand their roles and decision space, and those of the Environmental Quality Commission (Commission), including:

- Relationship between ORS 527.714 and 527.765, degradation of resources and interaction with water quality standards, meaning of maximum extent practicable, and factors that need to be considered
- Commission process for establishing standards
- Board responsibilities for establishing BMPs to meet water quality standards
- Board and Commission petition process

Panel:

- Matt Devore – Oregon Department of Justice
- Larry Knudsen - Oregon Department of Justice
- Richard Whitman – Governor’s Natural Resource Office

## **2:15 – 4:00 Topic 4 – Stakeholder policy perspectives and concerns**

Objective – The Board will understand the continuum of stakeholder perspectives.

Presenters – Landowner community and conservation community representatives. Each group will select panelists and will have 30 minutes for presentation, followed by 15 minutes of Board discussion and questions.

### 2:15 – 3:00 Conservation Community, Presenters:

- Policy and Legal: Mary Scurlock
- Science: Chris Frissell
- Economics: Bob Rees

## **3:00 – 3:15 Break**

### 3:15 – 4:00 Landowner Community, Presenters:

- To Be Determined

## **4:00 – 5:00 Topic 5 - Policy choices and potential outcomes based on the above topics (1 hour)**

Objective – The Board will understand the range and potential outcomes of policy choices and have a facilitated Board discussion about what was learned today and how that informs their thinking.

### Overview of policy choices and potential outcomes

- Types of alternatives, e.g. no change, modify FPA rules and BMPs, voluntary measures
- Geographic extent; stream reach extent
- Potential differential impacts based on ownership and/or region

### Presenter:

- Peter Daugherty – Oregon Department of Forestry

### Board discussion about what was learned today and how that informs their thinking

- Facilitated discussion
- Board members closing thoughts

### Panel:

Board members; Doug Zenn, Facilitator